

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JAMES THOMAS TURNER,

:

Plaintiff

:

CIVIL ACTION NO. 3:16-0269

:

v

:

(JUDGE MANNION)

J. TUTTIE, *et al.*,

:

Defendants

ORDER

For the reasons set forth in the Memorandum of this date, **IT IS**
HEREBY ORDERED THAT:

1. Defendant's motion for summary judgment (Doc. [18](#)) is **GRANTED**. Judgment is hereby entered in favor of the Defendant Tuttle and against the Plaintiff.
2. Defendants D. Clark and Jane and John Does, are dismissed pursuant to Rule 4(m) for Plaintiff's failure to properly identify these Defendants and effectuate service within 120 days of the filing of the complaint. See [FED.R.Civ.P. 4\(m\)](#).
3. Plaintiff's motions for entry of default and motion to produce (Doc. [19](#), [20](#)) are **DISMISSED** as moot.
4. The Clerk of Court is directed to **CLOSE** this case.
5. Any appeal taken from this order will be deemed frivolous, without probable cause, and not taken in good faith. See [28 U.S.C. §1915\(a\)\(3\)](#).

s/ Malachy E. Mannion

MALACHY E. MANNION

United States District Judge

Date: March 20, 2017